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In re Application of: :
TAKAHASHI et al. :
US Application No.: 10/521,553 :
PCT Application No.: PCT/JP2002/008757 :
Int. Filing Date: 29 August 2002 : DECISION
Atty Docket No.: XA-10261 :
For: SEMICONDUCTOR PROCESSING DEVICE AND :
IC CARD :

This is in response to applicants' "PETITION TO VACATE NOTIFICATION OF ABANDONMENT" filed on 13 April 2007, which is being treated as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 29 August 2002, applicants filed international application PCT/JP2002/008757. On 19 January 2005, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, inter alia, the basic national fee required by 35 U.S.C. 371 (C)(1).

On 26 July 2005, the DO/EO/US mailed a Notification of Missing Requirement Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US), which required an executed declaration and an English translation of the claims.

On 26 October 2005, applicant submitted an executed oath and the surcharge fee of \$130.

On 04 August 2006, the DO/EO/US mailed a Notification of Defective Response (PCT/DO/EO/US), which required the submission of the translation of the original claims with a surcharge.

On 29 March 2007, the DO/EO/US mailed a Notification of Abandonment (PCT/DO/EO/909).

On 13 April 2007, applicants filed the present petition to vacate the Notification of Abandonment.


DISCUSSION

A review of the application file reveals that the applicant submitted a response on 05 September 2006, the time limit for reply as required by the Notification of Defective Response. The response filed on 05 September 2006 included a translation of the original set of claims and a translation of the International Preliminary Examination Report (IPER). Therefore, the Notice of Abandonment was issued in error and is hereby VACATED. .

CONCLUSION

For the reason above, the petition under 37 CFR 1.181 is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision. The 35 U.S.C. 371 (c)(1),(c)(2) and (c)(4) date is 05 September 2006.



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